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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER No. 355 OF 2016
WITH
CIVIL APPLICATION No. 456 OF 2016

Nilesh Ramchandra Tawde ... Appellant
Vs.
Sameer Anant Harawade & Ors. ... Respondents

Mr. Shailesh Amin I/b Mrs. Nilam S. Pawar, for the Appellant.
None for the Respondent .

CORAM : V. M. DESHPANDE, J.

DATE : JULY 10, 2018

PC :-

1. Present appeal challenges the order dated 19th December, 2015 passed by the learned Judge, City Civil Court at Dindoshi, in Notice of Motion No. 2503 of 2015 filed in S. C. Suit No. 2429 of 2015. By the said order, the court below has refused to grant ad-interim relief pending the notice of motion. The prayer was that pending the hearing and final disposal of the suit, Court Receiver be appointed with a direction to take

forcible possession of the suit flat from the defendants and to hand over possession to the Appellant / plaintiff.

2. The defendants are admittedly in possession. After hearing the learned counsel for the Appellant and perusing the impugned order, it is crystal clear that the court below has given thoughtful consideration to the set of facts brought before the said court. This Court is refraining itself to pass a detailed order since the notice of motion is still pending before the court below and any observation of this court will be prejudicial to the parties to the notice of motion. Suffice to say that after perusal of the impugned order, it is crystal clear that the order does not suffer from non-application of mind. Further no perversity is crept in the impugned order. In that view of the matter, appeal is dismissed.

3. Needless to state that civil applications filed in this appeal shall stand disposed of.

Sd/-
[V. M. DESHPANDE, J.]

Vinayak Halemath